

## LEGAL PROTECTION FOR WORKERS ON OCCUPATIONAL SAFETY AT PT. MEGA RAYA PROPERTY



Received: 1 August 2024; Revised: 12 August 2024; Published 25 August 2024  
DOI 10.33603/responsif.v15i2.9535

**Yunan Kaenama Muhammad<sup>1</sup>, Tina Marlina<sup>2</sup>, Irma Maulida<sup>3</sup>**

**Abstract.** *The implementation of occupational safety has the primary goal of improving and maintaining all workers' physical, mental, and social welfare in all types of work, preventing health problems caused by work, and avoiding accidents during work. Cirebon is one area famous for its significant progress in industrial development, one of which is in the construction sector. These jobs have a high risk of work accidents during the construction process of construction projects because work safety standards are still inadequate. This is evidence of the lack of attention to the importance of occupational safety in construction work. In this study, a normative juridical approach method is used, namely literature law research, which is carried out by researching library materials or secondary data. Then, it continued with the collection of primary material data through direct interviews and observations as well as secondary materials obtained from literature studies in the form of law books, legal journals, and other literacy associated with the core of this research. The study results show that: (1) The form of legal protection in PT. Mega Raya Property uses a form of preventive legal protection because the company uses its policies in the employment agreement in the form of an oral agreement, so the form of legal protection for workers is not optimal because workers do not get their rights optimally and clearly if something happens. (2) The efforts to resolve work accident cases experienced by workers have been carried out based on the policy of PT. Mega Raya Property is per Government Regulation Number 82 of 2019 concerning the Implementation of Work Accident Insurance and Death Insurance Programs, and the final results are determined based on mutual agreement.*

**Keywords:** *Legal Protection, Workers, Occupational Safety.*

### **A.Introduction**

The construction project development process involves many high-risk activities, largely due to their unique characteristics. These projects are affected by different work sites, are open and influenced by uncertain weather changes, have limited implementation time, are dynamic and demanding high physical endurance, and use many untrained workers. These factors significantly contribute to the high incidence of work accidents in construction projects.

---

<sup>123</sup>Faculty of Law, Gunung Jati Swadaya University, Cirebon, Indonesia

One example of a work accident in a construction project occurred on February 4, 2018, when a work accident occurred in the construction of the Double-Double Track (DDT) project of the Jatinegara-Manggarai Railway, East Jakarta. The work accident began when the workers were raising the crane-type heavy equipment; then when the rail bearing was already on top, but the seat did not fit, the rail bearing fell on the workers. As a result of the accident, 4 (four) workers died as a result of being hit by a crane.<sup>1</sup>

The above work accident cases make work safety an essential factor in worker safety protection that must be constantly improved. The issue of occupational safety is very complex, including problems in terms of humanity, economic costs and benefits, legal aspects, accountability, and the image of an organization itself.<sup>2</sup> It can be realized how important workers are to employers, the government, and the community. Therefore, it is necessary to make a view so that workers are safe in carrying out their work. Therefore, the safety and health of workers must be sought so that they always get maximum attention at work and are always vigilant so that worker safety is guaranteed.

Law Number 13 of 2003 concerning Manpower is a regulation made to protect workers. Worker protection includes wages, welfare, workers' social security, and work safety issues.

## B.Literature

Article 1, number 3 of Law 13 of 2003 concerning Manpower states that: "A worker is every person who works in receiving wages or More meaning as a worker, he explained that a worker is someone who has or is working, who is looking for a job, and who carries out other activities such as going to school and taking care of the household."<sup>3</sup>

Regarding rights, employees have several rights, including the following: a. The right to work is one of the human rights stated in the Constitution of the Republic of Indonesia Article 27 paragraph (2), which states that: "every citizen has the right to work for a decent job and livelihood." b. The right to fair wages, this right is a right that the worker should have received since he entered into a work agreement and bound himself to the employer (employer) or to a company and can also be demanded by the worker on the grounds of the legal rules that have regulated it, namely Article 88 of Law Number 13 of 2003 concerning

---

<sup>1</sup> Ray Jordan, 2018, *Crane Collapsed in Jatinegara, Contractor Re-Checked DDT Project Equipment* <https://news.detik.com/berita/d-3849127/crane-ambruk-di-jatinegarakontraktor-cek-ulang-alat-proyek-ddt>, diakses on July 21, 2021 at 09:40

<sup>2</sup> Gabby E. M. Sopotan, Bonny F. Sompie and Robert J. M. Mandagi, 2014, OCCUPATIONAL HEALTH AND SAFETY RISK MANAGEMENT (K3) (Case Study on the Construction of Eben High School Building Haezar), Scientific Journal of Media Engineering Vol.4 No.4, pp. 229 - <https://media.neliti.com/media/publications/99095-ID-manajemen-risiko-kesehatan-dankeselamat.pdf>, accessed on February 14, 2023 at 16:25.

<sup>3</sup> Sendjun H Manulang, 2001. *Principles of Labor Law in Indonesia*. Jakarta: PT. Rineka Citra, p. 3.

Manpower. c. The right to association and assembly to fight for his interests and rights as a worker/laborer must be recognized and guaranteed, as well as his right to associate and assemble to fight for justice in the rights he must receive. This is based on Article 104 of Law Number 13 of 2003 concerning Manpower, which states that "every worker/laborer has the right to form and become a member of a trade union/trade union."

d. The right to occupational safety and health protection. Prof. Imam Soepomo explained that worker protection is the protection of workers through occupational security and safety. The definition of worker protection, or arbeidsbescherming (in Dutch), is the protection provided in the work environment itself by providing guidance, as well as by increasing the recognition of human rights, physical and technical protection as well as socio-economic through applicable norms.<sup>4</sup>

The above understanding can be concluded that the protection of workers is a fundamental full right to be given to the party working as a worker as a form of obligation that must be given from the company and the company as the employer. The form of labor protection itself provides decent wages, safety, and health for workers and people with disabilities, as well as welfare and social security for workers. Worker protection in the event of a work accident as referred to in Government Regulation 82 of 2019 concerning Amendments to Government Regulation 44 of 2015 concerning the Implementation of Work Accident and Death Insurance Programs.

In Article 25 paragraph (2) letter b explains the compensation for temporary inability to work, with the following provisions: a. the first 6 (six) months are given in the amount of 100% (one hundred percent) of wages; b. the second 6 (six) months are given in the amount of 100% (one hundred percent) of wages; c. 6 (six) months in the third and so on are given in the amount of 50% (fifty percent) of wages. Philip M. Haldjon defined legal protection as a preventive and repressive rule against the government. Preventive protection aims to prevent disputes, yes lng to prevent disputes, yes to prevent disputes in the government, yes to prevent the decision of the government to prevent the decision of the decision to be determined; the protection of repressive is aimed at resolving disputes in the intertwined sector, the term of the term is to resolve the dispute in the institution.<sup>5</sup> Article 1 paragraph (2) of Government Regulation Number 50 of 2012 concerning the Implementation of the Occupational Safety Management System (SMK3) explains that: "Occupational safety is all activities to ensure and protect the safety and health of workers through efforts to prevent occupational accidents and occupational diseases." The purpose of the Occupational Safety and Health plan is to create a healthy work environment, protect employees, and maintain

---

<sup>4</sup> Abdul R. Saliman, 2011, *Business Law for Entrepreneurs Theory and Case Examples*, Jakarta: Kencana, p. 274.

<sup>5</sup> Philip M. Hadjon, 1987. *Legal Protection for the People of Indonesia*. Surabaya: PT Bina Ilmu. p. 29.

physical and mental conditions so that employees can work safely and comfortably. To ensure that Occupational Safety and Health (K3) can occur properly.

Paying attention to the standard facilities supporting activities with Almaln is necessary. Standard Personal Protective Equipment (PPE) includes project helmets, protective shoes, eye protection, masks and ear protection. In addition to the protective clothing, the installation of warning signs, traffic signs, provisions or regulations for the use of equipment that by their functions and the provisions that make the location of the activity of the main supported by personnel who are responsible for each activity in the operation of the Alkaltal in the Keselalmaln in the Work Harmony (K3) can take place well. Work accidents can be caused by two causal factors, namely, first, unsafe human acts, and second, unsafe human conditions. Even though humans have been careful, if the environment is not supportive (unsafe), then accidents can also occur. And vice versa. Therefore, guidelines on how to work that meets safety principles are needed.

### C. Research Method

Appropriate to the problems and objectives of the research, the research approach used is normative juridical research which is doctoral legal research. The type of research used by the author in this study is qualitative research. Data collection in a scientific setting interprets the phenomena that occur where the researcher is a key instrument so that it can be described according to existing facts.<sup>6</sup> The analysis of the legal materials used is primary legal materials that are authoritative legal materials, meaning that they have authority sourced from legislation, official records, or minutes in making legislation and judges' decisions.<sup>7</sup> Secondary legal materials are extracted from the introductory book on labor law, a book on

Occupational Safety, books on the application of laws related to occupational safety, books on the settlement of cases that often occur in the context of occupational safety, as well as opinions from experts and other references from the Internet as well as the results of legal research related to this research.

To be more accurate and in-depth to obtain the required data, the author carried out the technique of collecting legal materials used in this study by literature studies, observations, and interviews. The data collection method in this study is carried out by collecting the results of the analysis which will later be connected with the provisions and principles of the law in accordance with the problem discussed.

---

<sup>6</sup> Dessy Ika Putri, 2022. Legal Protection For Housed Workers During The Covid-19 Pandemic In Cirebon City, p. 16 -[https://Scholar.Google.Com/Citations?View\\_O](https://Scholar.Google.Com/Citations?View_O) p=View\_Citation&hl=id&user=ole84eoaa  
aaaj&Citation\_For\_View=ole84eoaaaaaj:\_fxgofyzp5qc, accessed on February 2, 2023 at 15:15.

<sup>7</sup> Djulaeka, Devi Rahayu. 2019. *Textbook of Legal Research Methods*. Surabaya: Scopindo Media Pustaka, p. 36.

## **D. Discussion**

### **Legal Protection for Workers for Occupational Safety at PT. Mega Raya Property**

Every employee is entitled to work safety protection. As a form of effort to protect workers from a work accident that occurs during work. Workers themselves in carrying out their practices are entitled to legal protection. Therefore, the importance of legal protection itself to ensure that a person gets what he or she is entitled to. If there is a violation of these rights, with legal protection, maximum protection can be obtained when the person who has the rights also becomes a victim. Legal protection efforts have been included in the formulation of a number of laws. However, until now the protection provided is still not optimal.

Legal protection for workers in the summary of Law Number 1 of 1970 concerning Occupational Safety and Health Law Number 13 of 2003 concerning Manpower and Government Regulation Number 50 of 2012 concerning the Implementation of the Occupational Safety Management System (SMK3) explains that to empower and utilize workers optimally and humanely, provide protection to workers in realizing welfare and improving the welfare of the workers themselves. By protecting and ensuring the safety of every worker and other people in the workplace so that every source of production must be able to be used safely and efficiently. And can improve welfare and productivity for workers.

The results of the author's analysis, the implementation of legal protection in PT. Mega Raya Property is by installing work safety pictures, then every worker who enters the project site is required to wear Personal Protective Equipment (PPE) such as helmets, glasses, vests, safety shoes, safety belts/Body Harness, masks and gloves according to the type of work carried out by the workers. Entrepreneurs provide guidance related to the good and correct use of Personal Protective Equipment (PPE). PT. Mega Raya Property also places its workers according to the skills that workers have. As well as reminding and informing new workers about the risk of work accidents and how to overcome them. In line with what has been informed by the director of PT. Mega Raya Property where the company does not really understand the regulations related to social security for workers, but the company requires its workers to implement the Occupational Safety and Health Management System (SMK3) while working so that it can minimize the occurrence of work accidents, considering that every project carried out by employers must have a certain grace period so that it requires workers to work quickly.

The form of legal protection from PT. Mega Raya Property itself uses a form of preventive legal protection, because the company uses policies made by the company when a problem occurs in the implementation of work. The form of policy made, for example, is a form of employment agreement with workers which is still in the form of an oral agreement. So it is clear that legal protection for workers themselves, in the author's opinion, is very important in order to ensure safety for workers. So that employers as employers must be able to heed the applicable legal rules as appropriate. However, it is very unfortunate that

the policies made by employers, for workers are not given in full and in writing, in other words several things that include forms of preventive legal protection that are the obligations of PT. Mega Raya Property is only given orally so that workers do not get their full rights and do not have clear and binding legal force over their rights.

The form of efforts to resolve the work accident case of PT. Mega Raya Property Employment agreement must meet the requirements for the validity of the agreement as stipulated in Article 1320 of the Civil Code jo Article 52 paragraph (1) of Law Number 13 of 2003 on Manpower concerning Manpower which explains the basics of making an agreement, namely:

1. The employment agreement is made by agreement of both parties and/or more;
2. Requirements for the competence of the parties in carrying out legal acts;
3. The existence of an agreed work; and
4. The conditions for the agreed work do not conflict with public order, decency and laws and regulations.

Referring to the Article above, it can be concluded that an agreement does not have to be written. Where an oral agreement is still considered valid if it has met the conditions for the validity of the agreement. The legal basis in Article 1338 of the Civil Code explaining that:

"All agreements that are legally entered into are legal to those who make them". Work accident insurance is an obligation of employers to workers who have experienced work accidents. The rules for providing compensation for the occurrence of work accidents are regulated in Government Regulation Number 82 of 2019 concerning the Implementation of the Work Accident Insurance and Death Insurance Program, compensation to the workers themselves in the form of Temporary Compensation for Unable to Work (STMB) with the following details:<sup>8</sup>

- a. The first six months are given 100% (one hundred percent) of wages;
- b. The second six months are given 100% (one hundred percent) of wages;
- c. The third six months onwards shall be given 50% (fifty percent) of wages.

Therefore, it is the obligation of the employer, that even if the employer does not have a written regulation, if a work accident occurs experienced by the worker, it is the full responsibility of the employer even though the worker has not been included in the BPJS Employment program as stipulated in Article 1367 of the Civil Code which emphasizes that:

"Employers and persons who appoint others to represent their affairs, shall be liable for the losses caused by their servants or subordinates in the performance of the work assigned to them."

---

<sup>8</sup> Gajimu.com, 2023, *Work Accident Insurance (JKK)* - <https://gajimu.com/pekerjaanyanglayak/jaminan-sosial/bpjsketenagakerjaan/jaminan-kecelakaankerja#apa-saja-manfaat-yang-bisa-didapatoleh-peserta-penerima-upah-dari-jaminankecelakaan-kerja--jkk-->, accessed on February 19, 2023 at 20:56.



And the rules in providing compensation must remain in accordance with the same amount as stipulated in the law or the work agreement that has been agreed.

The problem that is the background of the preparation of this thesis is the existence of a warehouse construction project in one of the companies in Arjawinangun, Cirebon Regency. The chronology of the accident began when the workers were dismantling the old dock container of the businessman, then when he was about to remove the top of the upper dock container one of the workers did not hook the body harness he was wearing on the support pole. So that when the worker slipped, the worker finally fell. For this case, the form of settlement from PT. Mega Raya Property workers were immediately rushed to the hospital, the results of the examination stated that there was a fracture on the left hand. With this, the entrepreneur provides medical money and compensation worth Rp. 4,500,000,- (four million five hundred thousand rupiah) with the following details:

1. Examination and treatment costs: Rp. 3,500,000,- (three million five hundred thousand rupiah);
2. Compensation: Rp. 1,000,000,- (one million thousand rupiah).

From the description above, it can be concluded that PT. Mega Raya Property has made efforts and implemented compensation for the occurrence of work accidents in accordance with Government Regulation Number 82 of 2019 concerning the Implementation of Work Accident Insurance and Death Insurance Programs which PT. Mega Raya Property has provided the cost of medical treatment in the form of payment for examination and treatment costs of Rp. 3,500,000 (three million five hundred thousand rupiah) which in the rules does not explain the nominal amount that must be paid. Meanwhile, in the form of compensation while at home, they are given a full wage of 100% for the first 6 months. If calculated in one month with a worker's wage per day of Rp. 120,000,- with a total of 26 working days, then a total of Rp. 3,120,000,-. The policy on compensation for workers who have a work accident implemented by PT. Mega Raya Property itself with a range of Rp. 500,000,- (five hundred thousand rupiah) to Rp. 2,000,000,- (two million rupiah). Because of the agreement between the workers and PT. Mega Raya Property, then the compensation given is Rp. 1,000,000,- (one million thousand rupiah).

Based on the policy of PT. Mega Raya Property can conclude that if the form of compensation is linked to Government Regulation Number 82 of 2019 concerning the Implementation of the Work Accident Insurance and Death Insurance Program, it is not in accordance with these rules, but because there is an agreement between workers and employers, the policy is in accordance with the rules of the applicable law. Although the rules in Law Number 13 of 2003 concerning Manpower in protecting the rights and obligations of workers through the existence of employment agreements are still only verbal. Employers have not heeded the written form of a work agreement, so employers provide compensation for work accidents for workers only as a form of policy as a form of responsibility of the employer.

## E. Conclusion

Based on the presentation of the research mentioned above, it can be concluded as follows:

1. The form of legal protection at PT. Mega Raya Property uses a form of preventive legal protection, because the company uses its own policy if a problem occurs in the implementation of work. The form of the policy itself is a form of employment agreement with workers which is still in the form of an oral agreement. Where actually in this case the worker is disadvantaged because the worker does not have legal protection with fixed legal force if there is a problem in the implementation of work to obtain his rights to the maximum even though the oral agreement is still considered valid.
2. The form of settlement in the case of work accidents at PT. Mega Raya Property is by compensating for the occurrence of work accidents through the policy of the employer itself, the amount is still in accordance with Government Regulation Number 82 of 2019 concerning the Implementation of Work Accident Insurance and Death Insurance Programs. Where PT. Mega Raya Property has provided the cost of medical treatment in the form of payment for examination and medical expenses. Meanwhile, in the form of compensation while at home, it has been given. Based on the policy of PT. Mega Raya Property can conclude that the form of compensation is in accordance with the rules of the applicable law, but in the determination of the amount of compensation for the employer's policy there is no clear information because there is no policy made in writing.

## Suggestion

1. Employers should pay more attention to the importance of legal protection for workers, especially in employment agreements that should be done in writing so that the rights for workers can be obtained to the maximum. So that workers have legal protection that can be a shield of protection for workers as long as workers work at PT. Mega Raya Property. Because a written agreement is an obligation for employers when they have a working relationship with their workers.
2. The amount of compensation from the employer is still in the form of its own policy which does not have a written stipulation, PT. Mega Raya Property makes a work agreement or the result of an agreement between the two parties in written form that contains the contents of the work agreement or agreement, and the amount of compensation given. On this basis, both employers and workers have legal protection that can be accounted for between parties by having legal payments that have permanent legal force.



## Reference

### Book

- Djulaeka, Devi Rahayu. 2019. Textbook of Legal Research Methods. Surabaya: Scopindo Media Pustaka, p. 36.
- Sendjun H Manulang. 2001. Principles of Labor Law in Indonesia. Jakarta: PT. Rineka Citra, p. 3.

### Law

- Law Number 1 of 1970 concerning Occupational Safety
- Law No. 13 of 2003 concerning Manpower
- Government Regulation Number 50 of 2012 concerning the Implementation of Occupational Safety and Health (K3)
- Government Regulation Number 82 of 2019 concerning the Implementation of Work Accident Insurance and Death Insurance Programs.

### Journal

- Dessy Ika Putri, 2022. *LEGAL PROTECTION FOR HOUSED WORKERS DURING THE COVID-19 PANDEMIC IN CIREBON CITY*, pp. 16 - [https://scholar.google.com/citations?view\\_op=view\\_citation&hl=id&user=Ole84EoAAAAJ&citation\\_for\\_view=Ole84EoAAAAJ:\\_FxGoFyzp5QC](https://scholar.google.com/citations?view_op=view_citation&hl=id&user=Ole84EoAAAAJ&citation_for_view=Ole84EoAAAAJ:_FxGoFyzp5QC), accessed on February 2, 2023 at 15:15
- Gabby E. M. Sopotan, Bonny F. Sompie, and Robert J. M. Mandagi, 2014, *OCCUPATIONAL HEALTH AND SAFETY RISK MANAGEMENT (K3) (Case Study on the Construction of Eben Haezar High School Building)*, Scientific Journal of Media Engineering Vol.4 No.4, pp. 229 - <https://media.neliti.com/media/publications/99095-ID-manajemen-risiko-kesehatan-dan-keselamat.pdf>, accessed on February 14, 2023 at 16:25.

### Internet

- Gajimu.com, 2023, *Work Accident Insurance (JKK)* - <https://gajimu.com/pekerjaan-yanglayak/jaminan-sosial/bpjs-ketenagakerjaan/jaminan-kecelakaan-kerja#apa-saja-manfaat-yang-bisa-didapat-oleh-peserta-penerima-upah-dari-jaminan-kecelakaan-kerja--jkk-->, accessed on February 19, 2023 at 20:56.
- Ray Jordan, 2018, *Crane Collapse in Jatinegara, DDT Project Equipment Recheck Contractor* - <https://news.detik.com/berita/d-3849127/crane-ambruk-di-jatinegara-kontraktor-cek-ulang-alat-proyek-ddt>, accessed on July 21, 2021 at 09:40.